

**REMARKS/ARGUMENTS**

Pending claims 31-56 stand rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,324,644 (Rakavy) in view of U.S. Patent No. 6,161,177 (Anderson) and in further view of U.S. Patent No. 6,202,091 (Godse). Applicant respectfully traverses the rejection.

As to claim 31, none of the references, either alone or in combination teach or suggest loading either a first or second module of a BIOS based on a system state indicative of whether a system is connected to a network. In this regard, Rakavy teaches only that both a conventional BIOS and a network enhanced BIOS are loaded. Thus although Rakavy teaches that the conventional BIOS can detect and load the network enhanced BIOS, nowhere does Rakavy teach or suggest loading either a first or second BIOS module.

Instead, the Office Action attempts to combine Rakavy with Anderson, which the Office Action contends "teaches determining if the correct BIOS has been selected for execution by the CPU." Office Action, p. 3. However, that is not what is claimed by claim 31. Instead, claim 31 recites loading either a first or second BIOS module based on a system state indicative of connection to a network. Anderson adds nothing of significance with regard to this claimed subject matter. Instead, Anderson merely teaches that a CPU checks a BIOS to determine whether it corresponds to the CPU. There is no simply no teaching or suggestion in Anderson of any applicability to loading different BIOS modules based on a system state regarding network connection.

Even the Office Action concedes that the alleged combination of Rakavy and Anderson "fails to include selectively load the bios based on the system state indicating a connection to the network." Office Action, p. 3. The Office Action attempts to support its improper combination with the addition of Godse. However Godse merely discloses that a pointer can point to either a local computer or a remote computer. Godse nowhere teaches or suggests that its pointer is set based on a system state indicative of a network connection. Godse, col. 6, lns. 32-38. Instead, the pointer or policy file is set without regard to a state of the system indicative of a network connection. Thus, nowhere does Godse teach or suggest loading a first or second BIOS module based on a system state indicative of a network connection. For at least these reasons, claim 31 and the claims depending therefrom are patentable over the proposed combination. For similar reasons, independent claims 41 and 51 and the claims depending therefrom are also patentable.

Dependent claim 32 is further patentable as nowhere does Rakavy teach or suggest that first and second BIOS modules are stored on different storage devices prior to execution. Instead, Rakavy teaches just the opposite, namely that conventional BIOS 500 and network enhanced BIOS 600 are both stored in nonvolatile memory 125. Rakavy, col. 6, lns. 21-53; col. 7, lns. 8-13. Dependent claim 32 is further patentable as nowhere does Rakavy teach or suggest enabling the second module to be executed conditionally depending upon the system state (i.e., state of connection to a network). Instead, Rakavy merely teaches that control passes directly from the first module to the second module if the second module is present in the nonvolatile memory. Rakavy, col. 7, lns. 13-26. For these further reasons, dependent claims 32-33, 41-44, and 48-50 are further patentable.

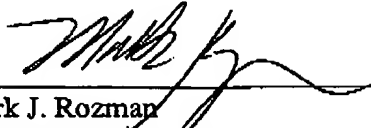
Dependent claim 33 is further patentable for similar reasons, as nowhere does Rakavy teach or suggest that the second BIOS module is stored in a storage associated with a network server. Instead, as discussed above the network enhanced BIOS 600 is stored in the same nonvolatile memory 125 as the conventional BIOS 500. Accordingly, for this further reason, dependent claims 33, 42 and 53 are further patentable.

Dependent claim 39 is further patentable over the proposed combination as Rakavy nowhere teaches or suggests authenticating a user according to one of multiple levels based on a system state indicative of connection to a network. In this regard, the Office Action merely points to a system block diagram showing a conventional architecture of a personal computer. Office Action, p. 5 (citing col. 5, lns. 40-55 of Rakavy). Furthermore, the Office Action points to col. 9, lns. 43-56 of Rakavy which nowhere teaches or suggests authentication according to multiple levels nor authentication based on a system state indicative of a connection to a network. For this further reason, claim 39 is patentable.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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